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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,757	12/21/2004	Helen Ava Oshaughnessy	056258-5087	4927

9629 7590 03/27/2006

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EXAMINER

KLEMANSKI, HELENE G

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

Office Action Summary	Application No. 10/518,757	Applicant(s) OSHAUGHNESSY ET AL.	
	Examiner Helene Klemanski	Art Unit 1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/21/04. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The references cited in the Search Report dated October 31, 2003 have been considered.

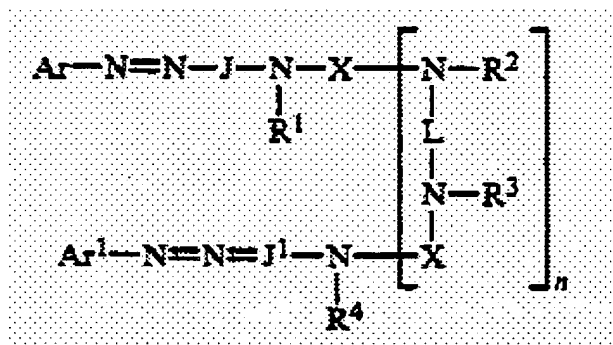
Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

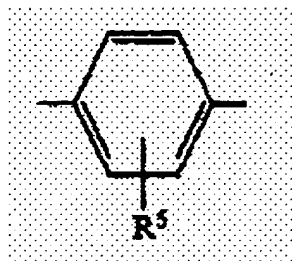
3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory et al. (US 5,374,301).

Gregory et al. teach an ink jet ink comprising a liquid medium and 0.5-20% by weight of a dye of the formula

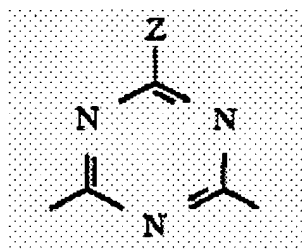


wherein Ar and Ar¹ are each independently aryl or substituted aryl provided that at least one of Ar and Ar¹ has at least one COOH as a substituent; J and J¹ are each independently of the formula

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wherein each R^5 is independently selected from H, alkyl, substituted alkyl, alkoxy, halogen, CN, ureido and $NHCO R^6$; R^6 is H alkyl, aryl, substituted aryl, aralkyl or substituted aralkyl; R^1 and R^4 are each independently H, alkyl or substituted alkyl; n is 0; X is a group of the formula



wherein Z is NR^8R^9 ; R^8 and R^9 are independently substituted alkyl provided (i) if the above dye formula has no $-SO_3H$ groups then it has at least two $-COOH$ groups and (ii) the above dye formula has at least as many $-COOH$ groups as $-SO_3H$ groups. The liquid medium comprises water and one or more water-soluble organic solvents.

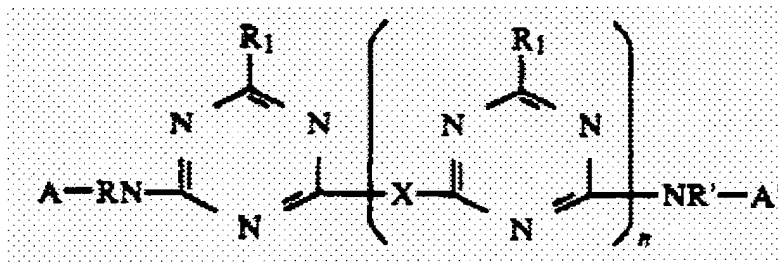
Gregory et al. further teach an ink jet printing method comprising forming the ink into small droplets from a reservoir and ejecting it onto a substrate such as an overhead projector slide or paper. See col. 1, line 10 – col. 2, line 60, col. 3, lines 11-27, col. 5, lines 49-55, col. 6, lines 52-67, col. 7, lines 3-6, example 5 and claims 1, 3-8 and 12-17. Gregory et al. fail to specifically exemplify the above dye wherein R^4 (i.e. pertaining to applicants R^3) is an alkyl group carrying a sulfo group as claimed by applicants.

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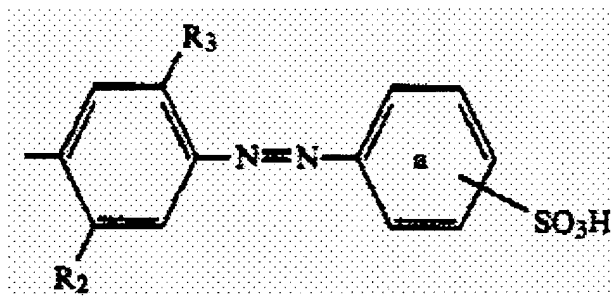
Therefore, it would have been obvious to one having ordinary skill in the art to use the specific dye wherein R^4 (i.e. pertaining to applicants R^3) is an alkyl group carrying a sulfo group as claimed by applicants as Gregory et al. also discloses the use of these dyes but fails to show an example incorporating them.

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaulin et al. (US 5,328,995).

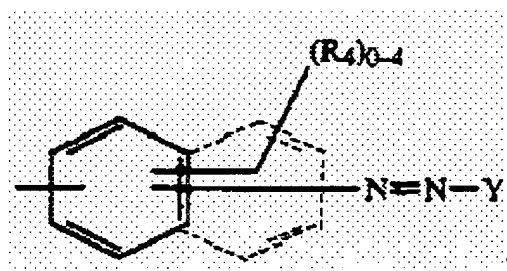
Schaulin et al. teach an azo dye for dyeing and printing fiber materials of the formula



wherein A is the radical of the formula



A' is a radical of the formula



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R and R' are each independently H or substituted or unsubstituted C₁₋₄ alkyl; R₁ is sulfo substituted N-mono- or N,N-di-C₁₋₄ alkylamino such as β-sulfoethylamino; n is 0; R₂ and R₃ are each independently C₁₋₄ alkyl, C₁₋₄ alkoxy, sulfo, chlorine, OH, COOH or unsubstituted or hydroxyl substituted C₂₋₄ alkanoylamino; the above phenyl radical a may be further substituted; (R₄)₀₋₄ represents from 0 to 4 identical or different radicals selected from C₁₋₄ alkyl, C₁₋₄ alkoxy, sulfo, chlorine, COOH or OH and Y is phenyl which may be further substituted with a COOH group. Schaulin et al. further teach an aqueous ink jet ink composition comprising the above dye and a process for printing a substrate such as textile, leather or paper by ink jet printing. See col. 1, line 8 – col. 2, lines 32, col. 3, line 54, col. 4, lines 1-7, lines 25-26 and lines 35-39, col. 4, line 39 – col. 5, line 36, col. 5, line 46 – col. 6, line 52, col. 10, lines 3-6, lines 20-23 and lines 54-56, examples 1, 2 and 28, col. 27, lines 20-23 and claims 1, 2 and 5-12. Schaulin et al. fail to specifically exemplify the above dye wherein R¹ (i.e. pertaining to applicants R³) is an alkyl group carrying a sulfo group as claimed by applicants.

Therefore, it would have been obvious to one having ordinary skill in the art to use the specific dye wherein R¹ (i.e. pertaining to applicants R³) is an alkyl group carrying a sulfo group as claimed by applicants as Schaulin et al. also discloses the use of these dyes but fails to show an example incorporating them.

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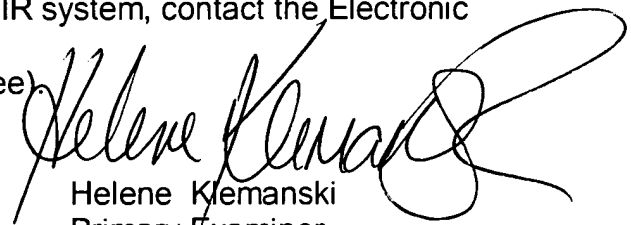
Conclusion


The remaining references listed on forms 892 and 1449 have been reviewed by the examiner and are considered to be cumulative to or less material than the prior art references relied upon in the above rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helene Klemanski whose telephone number is (571) 272-1370. The examiner can normally be reached on Monday-Friday 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Helene Klemanski
Primary Examiner
Art Unit 1755

 HK
March 20, 2006